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2011 MAY 26 PM 2:19

Attorneys for Plaintiff, Steve Karagiosian

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-  
GOMEZ; STEVE KARAGIOSIAN;  
ELFEGO RODRIGUEZ; AND JAMAL  
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK; AND DOES 1 THROUGH  
100, INCLUSIVE.

Defendants.

CASE NO.: BC 414 602

Assigned to: Hon. Joanne B. O'Donnell, Judge  
Dept. 37

Complaint Filed: May 28, 2009

PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION *IN LIMINE* NO. 3  
FOR AN ORDER EXCLUDING EVIDENCE  
OR ARGUMENT RELATING TO ANY  
EVENTS OCCURRING AFTER THE FIRST  
AMENDED COMPLAINT WAS FILED

BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK,

Cross-Complainants,

-vs-

OMAR RODRIGUEZ, and Individual,

Cross- Defendant.

Final Status Conference:

DATE: June 8, 2011  
TIME: 9:00 a.m.  
DEPT: 37

Trial Date: June 8, 2011

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1 v. Morris, supra, 53 Cal. 3d at pp. 188-190.)

2 (*Id.* at p. 671, emphasis added.)

3 Likewise, this court cannot “rule in a vacuum.” This is especially true where, as here,  
4 Plaintiff remains employed by Defendant and has alleged ongoing harassment. The conduct is  
5 allegedly ongoing, and the filing of the First Amended Complaint should not operate to cut off  
6 Plaintiff’s evidence. Defendant’s motion should therefore be denied.

7 **II. DEFENDANT HAS FAILED TO SHOW ANY**  
8 **REAL PROBABILITY OF UNDUE PREJUDICE**

9 Local Rules require the moving party to include in any motion *in limine* a “statement of the  
10 specific prejudice that will be suffered by the moving party if the motion is not granted.” (Local  
11 Rule 8.92(a)(3).) Defendant’s motion contains no such statement of “specific prejudice.”

12 Defendant thus has not met its burden of showing why the evidence it seeks to exclude is so  
13 prejudicial that the Court should rule on this issue now instead of ruling on evidentiary objections  
14 during trial. Defendant’s motion should therefore be denied.

15  
16 **III. CONCLUSION**

17 For all the foregoing reasons, Plaintiff respectfully requests that Defendant’s motion *in limine*  
18 No. 3 be denied.

19  
20 DATED: May 25, 2011

LAW OFFICES OF RHEUBAN & GRESEN

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22 By: Steven M. Cischke  
23 Steven M. Cischke  
24 Attorneys for Plaintiff, Steve Karagiosian  
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